

## REMARKS

The following is intended as a full and complete response to the Office Action dated February 21, 2008. In the Office Action, claims 1-6, 8-10, 21, 22, and 24-28 were examined. Claims 1-3 and 10 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Boucher (US 6,334, 153) in view of Chmielecki (US 5,740,467). Claims 4-6, 8-9, 21-22, and 24-28 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Boucher and Chmielecki, in further view of Adams (US 6,775,693). These rejections are respectfully traversed.

### Interview with Examiner

Applicants' undersigned representative appreciates that the Examiner accommodated the request for an interview. On May 20, 2008, a telephonic interview was held between the Examiner, Jasjit Vidwan and Stephanie Winner (an agent of record). The Chmielecki reference was discussed. S. Winner explained that the Chmielecki reference does not teach uploading to a different type of buffer (legacy buffer) when a user buffer is not available. Agreement was reached that Chmielecki teaches holding the data in the packet memory when a user buffer is not available. The Examiner suggested amending the claims to add the limitation that the contents of the legacy buffer are copied to a user buffer. S. Winner agreed that such a limitation further clarifies the distinction between a user buffer and legacy buffer.

### 35 U.S.C. § 103(a) Rejections

Claims 1 and 10 are each amended based on the Interview of May 20, 2008. As amended, claims 1 and 10 each recite the limitation that frame data uploaded to the legacy buffer is copied from the portion of the system memory that is not allocated to the application program to the system memory allocated to the application program. This amendment is supported in paragraph [0104] of the present application. User buffers and legacy buffers are different types of buffers since they are stored in different portions of the system memory. As recited in claims 1 and 10, user buffers are stored in system memory that is allocated to the application program and legacy buffers are stored in system memory that is not allocated to the application program.

Boucher does not disclose or suggest these limitations. In particular, Boucher does not disclose redirecting the data to a legacy buffer when the user buffer is full. Therefore, the Examiner relies on Chmielecki for teaching redirecting the data to a legacy buffer when the user buffer is not available. A review of Chmielecki shows that this reference also does not teach or suggest this limitation.

Chmielecki discloses a system for transferring data to and from a host system. The host memory of Chmielecki contains receive buffers for storing data transferred from packet memory to the host system (see col. 10, lines 49-50). The data is stored in receive buffers that are filled in sequence according to a descriptor queue. Chmielecki does not teach using two different types of buffers in system memory to receive and store data. Therefore, Chmielecki does not teach or suggest storing the received data in a second type of buffer in system memory when a first type of buffer in system memory is not available. Additionally, Chmielecki does not teach or suggest copying data uploaded to the legacy buffer to system memory that is allocated to the application program.

Chmielecki is completely silent regarding the transfer of data when receive buffers are not available in the host memory. However, the system of Chmielecki (see col. 9, lines 9-21) only accepts incoming data when “a sufficient amount of space is available in an empty receive data buffer in packet memory 16 to store a maximum size packet...” Furthermore, the system of Chmielecki (see col. 12, lines 53-37) cannot transfer receive data when the receive buffers in system memory are full. Therefore, the data to be transferred to the buffers in host memory remains in the packet memory when no buffers are available in the host memory. Similarly, the system described in Boucher queues packets not eligible for fast-path processing until a user buffer is available.

As the foregoing illustrates, neither Boucher nor Chmielecki teach or suggest each and every limitation of amended claims 1 and 10. Therefore, no combination of the cited references can render amended claims 1 and 10 obvious. For these reasons, Applicant submits that amended claims 1 and 10 are in condition for allowance and respectfully request withdrawal of the 35 U.S.C. § 103(a) rejection of these claims. Since claims 2-6, 8-9, 21, 22, 28, and 29 depend from allowable claim 1 and claims 24-

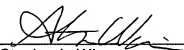
27 and 30 depend from allowable claim 10, these claims also are in condition for allowance.

The Adams reference teaches transferring data between application buffers over a network. Adams is silent regarding two types of buffers in system memory that are configured to receive data. Adams also fails to teach or suggest the limitation of copying uploaded data from a portion of the system memory that is not allocated to an application program to system memory that is allocated to the application program. Thus, Adams fails to cure the deficiencies of Boucher and Chmielecki relative to amended claims 1 and 10. For this reason, the combination of Boucher, Chmielecki, and Adams cannot render any of claims 1-6, 8-10, 21, 22, 24-27, 28, 29 and 30 obvious either.

### CONCLUSION

Based on the above remarks, Applicants believe that they have overcome all of the rejections set forth in the Office Action mailed on February 21, 2008 and that the pending claims are in condition for allowance. If the Examiner has any questions, please contact the Applicant's undersigned representative at the number provided below.

Respectfully submitted,

  
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